



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8ENF-L

January 20, 2012

Dana Williams, Park City Mayor
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060-1480

RE: Richardson Flat Tailings Site, Park City, Utah

Dear Mayor Williams:

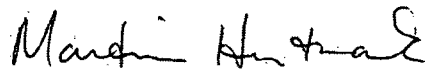
This is in response to your letter of December 15, 2011, regarding multi-party negotiations among potentially responsible parties: Park City Municipal Corporation (Park City) and United Park City Mines (UPCM), and state and federal environmental agencies: the United States Environmental Protection Agency (EPA), the United States Department of Interior on behalf of the Bureau of Land Management and the Fish and Wildlife Service, and the State of Utah on behalf of the Utah Department of Environmental Quality and the Utah Department of Parks and Recreation. These negotiations involve an administrative consent order whereby Park City and UPCM will take action to clean up contamination in and around Park City that currently poses a threat to human health and the environment, assess damages to natural resources, and identify restoration alternatives. These activities will be performed by Park City and UPCM subject to oversight by state and federal environmental agencies. The consent order will also document the agreement allocating responsibility for response costs between Park City and UPCM. A broad agreement in principle was reached among the parties in February 2011.

In the course of these protracted negotiations, many important issues have been identified that were not previously resolved or addressed. Further, in some instances Park City and UPCM have differing views on the implications of the terms of the agreement in principle. We do not believe that UPCM is seeking to unilaterally impose new terms at the eleventh hour. It is not unexpected that in committing this complex agreement to paper, differences among the parties have become apparent and must be resolved. Within the next thirty days, the EPA will issue a revised draft of the consent order based upon months of negotiation. We believe this draft will accurately document the agreement in principle, will alleviate your concerns, will be fair to all parties, and will be in the public interest. It is our hope that a final consent order will be executed by all parties shortly thereafter. We believe that it would be better to wait until after you have seen the revised draft of the consent order and have an opportunity to review it before scheduling a senior level meeting.

The other concern you have raised is related to scope of the cleanup in Lower Silver Creek. The EPA will select a remedy that is protective of human health and the environment. The first step in remedy selection is to conduct an investigation to determine the nature and extent of contamination. The second step is to evaluate cleanup alternatives and seek public comment. Thereafter, the EPA will select a remedy and identify the administrative record upon which the remedy selection is based. This process is set forth in the EPA's regulations and is not dependent upon settlement negotiations.

We look forward to receiving the City's comments on the revised draft of the consent order. If you have any other questions, please feel free to call me at 303 312-6776.

Sincerely,



Martin Hestmark
Acting Assistant Regional Administrator
Office of Ecosystems Protection
and Remediation

